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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/748,993 | 12/29/2003 | Jochen Huebl | 10191/3516 | 8251 |
| 26646 | 7590 | 05/15/2006 | EXAMINER | |
| KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004 | | | BROWN, VERNAL U | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/748,993 | HUEBL, JOCHEN | |
| | Examiner | Art Unit | |
| | Vernal U. Brown | 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This action is responsive to communication filed on March 03, 2006

Response to Amendment

The examiner has acknowledged the amendment of claims 1, 5, 7, 8, and 11.

Response to Arguments

Applicant's arguments filed March 03, 2004 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding detecting a signal feature of a message and initiating a further wake up procedure, the reference of Millsap et al. teaches detecting the signal feature by detecting the high voltage request signal (col. 6 lines 44-49) and a wake up procedure is initiated upon the detecting this signal (col. 6 line 66-col. 7 line 2 , col. 7 lines 38-45).

Applicant's argued on page 5 that the reference of Millsap et al. teaches the transmission of two different messages, it is the examiner's position that the wake up procedure as claimed is broad and does not exclude the use of more than one wake up messages.

Applicant's argues that Millsap wakes up all users. It is the examiner's position that the claim call for waking up at least one user which Millsap discloses. Wake up in response to a preselected number of feature occurrences is met even upon wakeup in response to the first feature occurrence.

Applicant's argues that the counter of Millsap does not count "feature occurrences". Claim 2 only recites that a counter exists.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Millsap et al. US Patent 6484082.

Regarding claims 1, 4-5, 7 Millsap et al. teaches a device for waking users of a bus system comprising:

a detection device (ECU) for detecting a signal feature (high voltage wake up signal feature) of the message transmitted on the bus system (col. 6 lines 44-49) and for initiating wake procedure for at least one user once a pre-selected number with respect to the signal feature of the message has been reached (col. 6 line 66-col. 7 line 2 , col. 7 lines 38-45).

Regarding claim 2 and 6, Millsap et al. teaches the detection device includes a timer (col. 7 lines 41-42).

Regarding claim 8, Millsap et al. teaches transmitting a wake up message and evaluating the message as a wake up message and a corresponding signal feature is detected (col. 7 lines 38-45).

Regarding claims 9-10, Millsap et al. teaches determining the a time duration following a first occurrence of the signal feature and detecting the binary information results from the time

duration following the first occurrence by monitoring the bus for a period of time for the message indicating which user of the bus to be activated (col. 7 lines 38-45)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Millsap et al. US Patent 6484082 in view of Kohlschmidt US Patent 6029061.

Regarding claim 3, Millsap et al. teaches detecting the signal feature (high level) (col. 6 lines 44-49) but is silent on teaching the signal feature includes one of an edge and an edge change of a signal. One skilled in the art recognizes that a change in signal edge is conventionally used to detect a signal as evidenced by Kohlschmidt (figure 4).

It would have been obvious to one of ordinary skill in the art for the signal feature to include one of an edge and an edge change of a signal in Millsap et al. as evidenced by Kohlschmidt because Millsap et al. suggests detecting the change in signal on the bus and one

skilled in the art recognizes that a change in signal edge is conventionally used to detect a signal as evidenced by Kohlschmidt .

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohlschmidt US Patent 6029061 in view of Millsap et al. US Patent 6484082 and further in view of Selin US Patent 5914796.

Regarding claim 11, Millsap et al. in an art related bus control system teaches transmitting a wake message and the message is evaluated to determine which user is to be selectively awaken (col. 3 lines 16-25) but is silent on teaching retransmitting the wake up message. One skilled in the art recognizes that a message is generally re-transmitted over a bus when the message is not correctly received by its recipient as evidenced by Selin (col. 7 lines 25-29) in order to deal with data collision on a bus.

It would have been obvious to one of ordinary skill in the art to transmit a wake up message evaluating the message, and retransmitting the message in Millsap et al. as evidenced by Selin because Millsap et al. suggests transmitting a wake up message and one skilled in the art recognizes that a message is generally re-transmitted over a bus when the message is not correctly received by its recipient (as evidenced by Selin) in order to deal with data collision on a bus.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
May 1, 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER